GOVERNMENT OF MYSORE

FOOD, CIVIL SUPPLIES AND LABOUR AND MUNICIPAL ADMINISTRATION DEPARTMENT, (LABOUR)

Labour Dispute :—Industrial Dispute between the workmen and the management of India Tin Industries, (P) Ltd., Old Madras Road, Bangalore-16.

Award of the Additional Tribunal, Bangalore—Published.

Read the following papers :

(i) Letter No. AI. T. No. 512-13/67-68, dated 13th September 1967 from Sri V. C. Ramachandran Presiding Officer, Additional Industrial Tribunal, Bangalore.

BEFORE THE ADDITIONAL INDUSTRIAL TRIBUNAL IN MYSORE, BANGALORE.

Dated 12th September 1967.

PRESENT

Sri V. C. Ramachandran, B.A., B.SC., A. R.C.S., Bar-at-Law,
Presiding Officer.

A. I. D. No. 4 of 1966.
I. D. No. 31 of 1964.

The Workmen of India Tin Industries, Private Ltd., Old Madras Road, Bangalore-16. ... *I Party.*

The Management of India Tin Industries, Private Ltd., Old Madras Road, Bangalore-16. ... *II Party.*

APPEARANCES.

For the 1st Party.—Sri M. C. Narasimhan, Advocate, Bangalore.

For the 2nd Party.—Sri S. G. Sunderswamy, Advocate, Bangalore.

REFERENCE

(Goverenment Order No. PLM 375 LLD 63, dated 1st Oct. 1963.)

This is a Reference referred by the Government of Mysore in their Order No. PLM 375 LLD 63, dated 1st Oct. 1963 to the then Additional Industrial Tribunal presided over by Sri K. Gubbaiah for adjudication under Section 10 (1) (d) of the Industrial Disputes Act, 1947. After the abolition of that Tribunal the said Dispute was transferred to the Industrial Tribunal by the Government of Mysore. It was taken on the file of the Industrial Tribunal and numbered as I.D. No. 31 of 1964. Again the said dispute was transferred to the Additional Industrial Tribunal by the Government of Mysore and it was renumbered as A.I.D. No. 4 of 1966 and taken on the file of this Tribunal for adjudication. The points referred for adjudication are (1) whether the employees should be paid bonus at the rate of 35% of their average wages earned during the years 1961-62 and 1962-63 (2) for evolving a Gratuity Scheme of one month's pay including D. A. for every year of service they put in.

2. The claims of the workers for gratuity as well as for bonus for the years 1961-62 and 1962-63 were resisted by the Management on various grounds, firstly that there was no profit made during the years in question and therefore, there was no available surplus during the years which would entitle them for bonus and secondly that the Company is not in a position financially to start the Gratuity Scheme. The Profit and Loss Account during the last few years according to the Management indicate that the industry is neither in a position to pay the bonus claimed by the workmen nor introduce any Gratuity Scheme as envisaged in the Claim Statement.

3. A number of Issues have been framed with regard to liability of the Management to pay the Bonus for the years 1961-62 and 1962-63 and also with regard to the introduction of the Gratuity Scheme. It is, however, unnecessary to go into these Issues because fortunately after the evidence had been closed and before arguments were heard, the Parties had come to a settlement of the disputes. They have filed a Memorandum of Settlement under which it is agreed between them that the introduction of Gratuity Scheme will await the recommendations of the Wage Board constituted by the Central Government for Engineering

Industries. The workmen have received bonus for the years ending 30th June 1965 and 30th June 1966 and have given up their claims for the years 1961-62 and 1962-63. Indeed a perusal of the Balance Sheets for those two years show clearly that there was no available surplus out of which bonus could be paid to the workmen. Taking all these circumstances into consideration, I am of the view that the settlement reached between the Parties during the course of the proceedings before this Tribunal is just fair and reasonable and accepting the Settlement, I pass the following :—

AWARD

The terms of settlement arrived at between the Parties, a copy of which is annexed hereto, will be the Award in the above case. There will be no order as to costs.

V. C. RAMACHANDRAN,
Presiding Officer.
Additional Industrial Tribunal,
Bangalore.

ANNEXURE

BEFORE THE ADDITIONAL INDUSTRIAL TRIBUNAL BANGALORE.

A.I.D. No. 4 of 1966

First party:

Workmen of the India Tin Industries (Private) Ltd.

Vs

Second party:

Management of the India Tin Industries (Private) Ltd.,

The Parties abovenamed submit that they have entered into a settlement of the dispute pending between them including those which from the subject matter of this reference and in A.I.D. 32/66 in the file of this Hon'ble Tribunal. They pray that an award be made in this case as follows:—

(1) The workmen withdraw their claim for bonus for all periods prior to the coming into force of the payment of Bonus Act. So far as the Bonus payable under the Payment of Bonus Act is concerned the same has been paid by the Second Party for the Accounting years ended 30th June 1965 and 30th June 1966.

(2) In regard to the claim for gratuity the same is not pressed by the First Party at this stage. In case the Wage Board constituted by the Central Government for Engineering Industries as per its Resolution No. WB-4 (3)-64 dated 12th December 1964, makes a final recommendation for the introduction of a Gratuity scheme and that is accepted by the Central Government, the Second Party will give effect to such recommendation.

(3) In case the final recommendation of the said Wage Board as accepted by the Central Government does not provide for a Scheme of Gratuity then the First Party will be at liberty to make a demand for it and the II Party will be at liberty to contest it, in which case the matter will have to be dealt with in accordance with the provisions of the Industrial Disputes Act.

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(4) Till such time as the said Wage Board makes its Fina Recommendations and the Central Government passes its orders thereon, the First Party shall not be entitled to raise any dispute in regard to gratuity or any other retirement benefit or in regard to wages, Dearness Allowance or any other matter which is within the scope of the said Wage Board or matters in regard to which any demands have been made by the Workmen (First Party) so far, nor shall they be entitled to make any demands within the period during which the recommendation of the Wage Board remain in force as may be provided therein, regarding matters covered by its recommendations and the award to be made hereon.

(5) Both the Parties confirm that there is no dispute or Demand of any kind outstanding between them as on date in view of the settlement reached in this case and in case No. A.I.D. 32 of 1966.

6) The Parties shall bear their own costs.

For the First Party

Sd/
Treasurer,

For the Second Party

For The India Tin Industries (P) Ltd.,
Sd/.
Managing Director.

India Tin Industries Workers' Union,
Bangalore
Dated : 6-9-1967

Sd/ M. C. Narasimhan,
Counsel for the I Party.

Sd/ S. G. Sunderswamy,
Counsel for the II Party

'True Copy'

Execution admitted before me.

Sd/. V. C. RAMACHANDRAN,
Presiding Officer,
Additional Industrial Tribunal.
6-9-1967

Sd/-
Presiding Officer,
Additional Industrial
Tribunal Baugalore.

ORDER.

Bangalore, dated the 15th September 1967.

S. O. 1986.—WHEREAS by State Government Order No. PLM 375 LLD 63, dated 1st October 1963, the Industrial Dispute between the Workmen and the Management of India Tin Industries, (P) Ltd., Old Madras Road, Bangalore-16. was referred to the Industrial Tribunal, Bangalore for adjudication ;

AND WHEREAS this dispute was transferred to Additional Industrial Tribunal, Bangalore by G.O.No. LMA 595 LLE 66, dated 17th Dec. 1966.

AND WHEREAS the Additional Industrial Tribunal, Bangalore has submitted to the State Government its award in respect of the said Industrial Dispute.

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), the Government of Mysore are pleased to direct the publication of the said award as above in the *Mysore Gazette*.

[No. PLM 375 LLD 63.]

By Order and in the name of the Governor of Mysore,

G. G. PUROHIT,
Under Secretary.